

1 **LOREN S. YOUNG, ESQ.**

Nevada Bar No. 7567

2 **LINCOLN, GUSTAFSON & CERCOS, LLP**

*ATTORNEYS AT LAW*

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6 Attorneys for Defendant, RED ROCK R-WHEELERS, INC.

7  
8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 LAURA NEUMANN, an individual,

11 Plaintiff,

12 v.

13 RED ROCK 4-WHEELERS, INC., a Utah  
Corporation; DOES 1 through 100; and ROES 1  
14 through 100, inclusive,

15 Defendants.

CASE NO.:

**DECLARATION OF LOREN S.  
YOUNG IN SUPPORT OF NOTICE OF  
REMOVAL OF ACTION UNDER 28  
U.S.C. § 1441(b) (DIVERSITY)**

16 I, LOREN S. YOUNG, declare as follows:

17 1. I am an attorney duly licensed to practice law before all the courts of the State of Nevada  
18 and the United States District Court for the District of Nevada. I am the managing partner in the law  
19 firm of Lincoln, Gustafson & Cercos, LLP, attorneys of record for Defendant RED ROCK 4-  
20 WHEELERS, INC. (hereinafter, "Defendant" or "Red Rock"). I am personally familiar with the within  
21 stated facts and would and could testify based upon personal knowledge of the same, and as to those  
22 facts stated on information and belief, I believe them to be true.

23 2. A true and correct copy of the Complaint filed by Plaintiff Laura Neumann (hereinafter,  
24 "Plaintiff") in the District Court of Clark County, State of Nevada, entitled *Laura Neumann, an*  
25 *individual, v. Red Rock 4-Wheelers, Inc., a Utah Corporation; DOES 1 through 100; and ROES 1*  
26 *through 100, inclusive*, Case No. A-19-805025-C ("Complaint"), is attached hereto as Exhibit "A."

27 3. A true and correct copy of the Summons that was served with the above-referenced  
28 Complaint on Defendant is attached hereto as Exhibit "B."

4. On information and belief, Defendant was served with a copy of the Summons and Complaint on or about November 25, 2019.

5. The amount in controversy is not stated in the Complaint. The Complaint states that Plaintiff seeks general and special damages in excess of \$15,000.

6. Plaintiff alleges significant life changing injuries. Defendant received a letter where Plaintiff alleged past medical bills in excess of \$300,000 and asserts punitive damages in the complaint and, therefore, Plaintiff's medical specials and claimed damages are in excess of \$75,000.00.

7. On information and belief, Defendant was and is a corporation incorporated under the laws of the State of Utah, having its principal place of business in the State of Utah, and is the only Defendant that has been served with the Summons and Complaint in this action.

8. On information and belief, Defendant's corporate headquarters are located in the State of Utah, where the company's executive and administrative functions are performed.

9. This Notice of Removal is filed less than one (1) year after the commencement of the action.

10. This case is filed within thirty (30) days after service of Plaintiff's Complaint and within (30) days after it first became ascertained that the amount in controversy requirement is satisfied for the reasons set forth above and in the Notice of Removal filed herewith.

11. Defendant is serving a written notice of the removal to all adverse parties, including Plaintiff, and will file a copy of the notice with the clerk of the District Court of Clark County, State of Nevada, where this action is currently pending.

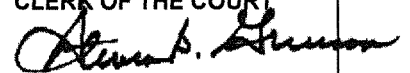
I declare under penalty of perjury under the laws of the United States and the State of Nevada that the foregoing is true and correct, and if called upon to testify to the facts thereto, could and would do so competently.

Executed on December 16, 2019, in Las Vegas, Nevada.

LOREN S. YOUNG

Exhibit “A”

Electronically Filed  
11/7/2019 11:14 AM  
Steven D. Grierson  
CLERK OF THE COURT



**COMP**

CHARLIE H. LUH, ESQ.  
Nevada State Bar No. 6726  
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LUH & ASSOCIATES  
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CASE NO: A-19-805025-C  
Department 4

DAVID FELDMAN ESQ.  
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Attorneys for Plaintiff Laura Neumann

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

\* \* \* \* \*

Laura Neumann, an individual,

CASE NO.  
DEPT NO.

Plaintiff,

vs.

**COMPLAINT**

Red Rock 4-Wheelers, Inc., a Utah Corporation;  
DOES 1 through 100; and ROES 1 through 100,  
inclusive.

Defendant.

**COMPLAINT**

Plaintiff LAURA NEUMANN, an innocent bystander, attending a Red Rock 4-Wheelers, Inc.  
promoted event in Moab, Utah, was struck and severely injured by a motor vehicle operated by Mr. Jeremy

1 Felts. COMES NOW Plaintiff LAURA NEUMANN, by and through her undersigned Counsel, and for  
2 her complaint alleges and avers as follows:

3 1. At all relevant times, Plaintiff, LAURA NEUMANN was an adult, competent resident of the  
4 State of Nevada.

5 2. At all relevant times, Defendant RED ROCK 4-WHEELERS, INC. was a corporation duly  
6 licensed and incorporated under the laws of Utah, and believed to be the operator of the famous event  
7 entitled "Moab Jeep Safari Golden Spike Trail" in Moab, Utah.

8 3. That the true names and capacities whether individual, corporate, associate or otherwise, of  
9 the Defendant herein designated as DOES and/or ROES are unknown to Plaintiff at this time who  
10 therefore sue said Defendants by fictitious names. Plaintiff alleges that each named Defendant herein  
11 designated as DOES and/or ROES is negligently, willfully, contractually, or otherwise legally responsible for  
12 the events and happenings herein referred to and proximately caused damages to Plaintiff as herein alleged.  
13 Plaintiff will seek leave of Court to amend this Complaint to insert the true names and capacities of such  
14 Defendants when same have been ascertained and will further seek to leave to join said Defendants in these  
15 proceedings.

16 **GENERAL ALLEGATIONS**

17 4. Plaintiff incorporates by this reference all of the allegations of paragraphs 1 through 3  
18 hereinabove, as though completely set forth herein.

19 5. On **April 14, 2019**, Plaintiff LAURA NEUMANN was attending an event hosted by  
20 Defendant RED ROCK 4-WHEELERS, INC. entitled "Moab Jeep Safari Golden Spike Trail" in Moah,  
21 Utah.

22 6. Defendant RED ROCK 4-WHEELERS, INC. identifies itself as a club and routinely solicits  
23 "Associate Members" that reside outside of Grand County, San Juan County, or the city of Green River,  
24 Utah.  
25

1           7. Defendant RED ROCK 4-WHEELERS, INC. charges these “Associate Members” \$50 per  
2 family.

3           8. Upon information and belief, Defendant RED ROCK 4-WHEELERS, INC. also regularly  
4 participates in off-roading events in the State of Nevada.

5           9. In the day in question, upon information and belief, Defendant RED ROCK 4-  
6 WHEELERS, INC., failed to maintain a safe distance for the crowd and observers such as Plaintiff LAURA  
7 NEUMANN.

8           10. Simply stated, the crowd and observers were placed too closed to vehicles attempting  
9 dangerous maneuvers.

10           11. Upon information and belief, a RED ROCK 4-WHEELERS, INC. “trail leader” also  
11 improperly advised Mr. Jeremy Felts of the direction to proceed, which was the cause in fact of Mr. Felts  
12 losing control of his vehicle and, in turn, striking Plaintiff LAURA NEUMANN.

13           12. As a result of Mr. Felts’ vehicle striking Plaintiff LAURA NEUMANN, Plaintiff LAURA  
14 NEUMANN was airlifted from the scene of the accident in Moab, Utah to St. Mary’s Medical Center in  
15 Grand Junction, Colorado.

16           13. Plaintiff LAURA NEUMANN suffered significant life changing injuries that will impact her  
17 for the rest of her years.

18  
19                                   **CLAIMS FOR RELIEF**

20                                   **FIRST CLAIM FOR RELIEF**

21                                   **NEGLIGENCE**

22           14. Plaintiff LAURA NEUMANN incorporates by this reference all of the allegations of  
23 paragraphs 1 through 13 hereinabove, as though completely set forth herein.

24           15. The foregoing averments are incorporated by reference as though fully set forth herein.  
25

1           16.     At all relevant times, Defendant RED ROCK 4-WHEELERS, INC. had a duty of  
2 reasonable care in the protection and safeguarding of persons who attended its events.

3           17.     Based upon information and belief, Defendant LAURA NEUMANN breached its duty of  
4 reasonable care by failing to maintain the Moab Jeep Safari Golden Spike Trail event in a reasonably safe  
5 condition, including, but not limited to:

- 6               a.     failing to maintain a safe distance for the crowd and observers such as Plaintiff; and
- 7               b.     failing to instruct Mr. Jeremy Felts of the correct direction to proceed.

8           15.     Defendant RED ROCK 4-WHEELERS, INC. is further liable for negligence of its “trail  
9 leader” pursuant to the doctrine of Respondeat Superior, and the negligence of their agents under the  
10 doctrine of Vicarious Liability.

11          16.     At all relevant times, Defendant RED ROCK 4-WHEELERS, INC. knew or should have  
12 known that it was reasonably foreseeable that a breach of its duty to maintain a safe distance for the crowd  
13 and observers in the aforementioned manner might result in catastrophic injury.

14          17.     As a direct and proximate rule of Defendant RED ROCK 4-WHEELERS, INC.’s  
15 negligence, Plaintiff LAURA NEUMANN was caused to incur injury to her body and mind, past and future  
16 medical expenses, past and future pain and suffering, past and future severe emotional distress, and  
17 anticipated future loss of income, all to her damage in an amount in excess of \$15,000.00.

18          18.     Due to Defendant RED ROCK 4-WHEELERS, INC.’s negligence in the foregoing  
19 respects, Plaintiff LAURA NEUMANN has been required to retain the services of legal counsel and to  
20 incur attorney’s fees and costs thereby.

## 21                               **SECOND CLAIM FOR RELIEF**

### 22                               **GROSS NEGLIGENCE: PUNITIVE DAMAGES**

23          19.     Plaintiff LAURA NEUMANN incorporates by this reference all of the allegations of  
24 paragraphs 1 through 18 hereinabove, as though completely set forth herein.  
25

1           20.     Plaintiff LAURA NEUMANN alleges that all acts, conduct and omissions on the part of  
2 Defendant RED ROCK 4-WHEELERS, INC. taken singularly or in combination, constitute gross  
3 negligence and were the proximate cause of Plaintiff LAURA NEUMANN's injuries and damages.  
4 Defendant RED ROCK 4-WHEELERS, INC.'s acts and/or omissions, when viewed objectively from the  
5 Defendant RED ROCK 4-WHEELERS, INC.'s standpoint at the time such acts and/or omissions  
6 occurred, involved an extreme degree of risk, considering the probability and magnitude of the potential  
7 harm to others. Defendant RED ROCK 4-WHEELERS, INC. had actual, subjective awareness of the risk,  
8 but proceeded with conscious indifference to the rights, safety and welfare of Plaintiff LAURA  
9 NEUMANN.

10           21.     Defendant RED ROCK 4-WHEELERS, INC.'s conduct was reckless and/or done with an  
11 intentional state of mind. Such gross negligence was a proximate cause of the occurrence and Plaintiff  
12 LAURA NEUMANN's injuries and damages.

13           22.     As a direct and proximate result of Defendant RED ROCK 4-WHEELERS, INC. and/or  
14 DOES/ROES' aforementioned tortious conduct, Plaintiff LAURA NEUMANN was caused to incur injury  
15 to her body and mind, past and future medical expenses, past and future pain and suffering, past and future  
16 severe emotional distress, and anticipated future loss of income, all to her damage in an amount in excess of  
17 \$15,000.00.

18           23.     Due to Defendant RED ROCK 4-WHEELERS, INC. and/or DOES/ROES' tortious  
19 conduct in the foregoing respects, Plaintiff LAURA NEUMANN has been required to retain the services of  
20 legal counsel and to incur attorney's fees and costs thereby.

21           24.     That the aforementioned acts were conducted in a wanton, willful, malicious manner, with  
22 conscious disregard for Plaintiff LAURA NEUMANN's rights and the rights of those similarly situated.  
23 The acts of Defendant RED ROCK 4-WHEELERS, INC. and/or DOES/ROES' and each of them should  
24 be assessed punitive or exemplary damages.  
25



**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff LAURA NEUMANN prays for relief in the form of a Judgment in her favor, and against Defendant RED ROCK 4-WHEELERS, INC., and each of them, for damages as follows:

- 1) For general and special damages in an amount in excess of \$15,000.00;
- 2) For costs of suit, reasonable attorney's fees, and interest;
- 3) For punitive and exemplary damages against Defendant and/or DOES in an amount to be determined at trial.
- 4) For such other and further relief as the Court may deem just and equitable under the circumstances.

DATED this 7th day of November, 2019.

LUH & ASSOCIATES

*/s/ Charlie H. Luh*

---

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Nevada State Bar No. 6726  
CRAIG D. SLATER, ESQ.  
Nevada State Bar No. 8667  
8987 W. Flamingo Road, Suite 100  
Las Vegas, Nevada 89147  
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Attorneys for Plaintiff Laura Neumann

Exhibit “B”

11/7/2019 4:46 PM

1 SUMM  
 2 CHARLIE H. LUH, ESQ.  
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 3 cluh@luhlaw.com  
 4 CRAIG D. SLATER, ESQ.  
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 9 JOHN C. DORAME, ESQ.  
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 12 Las Vegas, Nevada 89147  
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 13 (702) 949-5097 (FAX)

14 Attorneys for Plaintiff Laura Neumann  
 15

16 DISTRICT COURT  
 17 CLARK COUNTY, NEVADA

18 \* \* \* \* \*

19 Laura Neumann, an individual,  
 20  
 Plaintiff,

21 v.

22 Red Rock 4 Wheelers, Inc., a Utah Corporation;  
 23 DOES 1 through 100; and ROES 1 through  
 24 100, inclusive.

25 Defendant.  
 26

Served the Summons  
 upon Rex Holman  
 the 25 day of 11 20 19  
 Time 1100 Place \_\_\_\_\_  
 Sheriff, Grand County, Utah  
 By [Signature] 5085  
 Deputy/Admin

CASE NO.: A-19-805025-C  
 DEPT. NO.: 4

SUMMONS

27 NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU  
 28 WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ  
 THE INFORMATION BELOW.

1 **TO: RED ROCK 4-WHEELERS, INC.:** A civil Complaint has been filed by the Plaintiff against  
2 you for the relief set forth in the Complaint.

3  
4 1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you  
5 exclusive of the day of service, you must do the following:

6 a. File with the Clerk of this Court, whose address is shown below, a formal written  
7 response to the Complaint in accordance with the rules of the Court.

8 b. Serve a copy of your response upon the attorney whose name and address is shown  
9 below.

10 2. Unless you respond, your default will be entered upon application of the plaintiff and this  
11 Court may enter a judgment against you for the relief demanded in the Complaint, which could result  
12 in the taking of money or property or other relief requested in the Complaint.

13 3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so  
14 that your response may be filed on time.

STEVEN D. GRIERSON  
CLERK OF COURT

15 Issued at the direction of:

16 By: Marie Kramer 11/8/2019  
17 Deputy Clerk Date  
County Courthouse  
200 Lewis Avenue  
Las Vegas, Nevada 89101  
Marie Kramer

18 Charlie H. Luh, Esq.,  
19 Nevada Bar No. 6726  
LUH & ASSOCIATES  
20 8987 West Flamingo Road, Suite 100  
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21 T: (702) 367-8899; F: (702) 384-8899  
Attorney for Plaintiff